

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: **75 2739**

DIVISION: **K**

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,  
OFFICE OF COMMUNITY DEVELOPMENT,  
DISASTER RECOVERY UNIT –  
HAZARD MITIGATION GRANT PROGRAM

VS.

GAIL SIMMONS

PETITION FOR DECLARATORY JUDGMENT AND FOR  
JUDGMENT TO RECOVER HAZARD MITIGATION  
GRANT PROGRAM FUNDS

FILE FOR RECORD  
2015 AUG 20 AM 8:56  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA

NOW INTO COURT, through undersigned counsel, comes Petitioner, the State of Louisiana, Office of Community Development, Disaster Recovery Unit - Hazard Mitigation Grant Program (hereinafter "HMGP"), which respectfully files this Petition for Declaratory Judgment and for Judgment to Recover Hazard Mitigation Grant Program Funds. In support, HMGP respectfully represents:

1.

The Defendant in this case is Gail Simmons, a major domiciliary of Jefferson Parish, who voluntarily participated in HMGP to mitigate her home after Hurricane Katrina.

2.

HMGP is a mitigation program funded by FEMA and is administered by the State of Louisiana, the grantee. HMGP assists homeowners whose homes were damaged as a result of Hurricanes Katrina and Rita. It also helps homeowners in coastal Louisiana protect their homes from damage, which may occur in future natural disasters, by elevating their homes, reconstructing safer structures, or installing individual mitigation measures. The State of Louisiana serves as the funding vehicle by which FEMA funds are awarded to eligible homeowners.

3.

Defendant submitted a Voluntary Participation Agreement (hereinafter "VPA") on May 12, 2010 to participate in HMGP and to receive an HMGP grant. Defendant also agreed to comply with all HMGP guidelines, which includes using HMGP funds for their intended purpose.

4.

FEMA grant funds in the amount of \$50,000.00 (hereinafter "FEMA grant funds") were paid to Defendant by HMGP on or about January 27, 2011 for the specific purpose of elevation measures (hereinafter "Elevation") at her home located at 2573 Eastview Drive, Harvey, Louisiana, 70058.

5.

Photographs dated March 18, 2015 show that although the FEMA grant funds were received, Defendant's home was not mitigated.

6.

Collection letters were mailed to Defendant.

7.

Defendant has failed to respond to the letters and has failed to return the funds to the State.

8.

Defendant's failure to return the FEMA grant funds has resulted in Defendant owing to HMGP the FEMA grant funds, which must be recovered by HMGP, the State program charged with distributing FEMA funds for mitigation projects.

9.

HMGP must account to FEMA for all funds issued to homeowners. Failure of HMGP to recover the FEMA grant funds from Defendant will result in reimbursement to FEMA.

10.

HMGP requests that the debt of \$50,000.00, owed by Gail Simmons to HMGP, be recognized and that judgment in favor of HMGP be granted, directing Defendant to return and pay the FEMA grant funds to the State, in full.

**ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:**

- a. That this Honorable Court declare that Defendant, Gail Simmons, is non-compliant with the Voluntary Participation Agreement submitted by her;
- b. That this Honorable Court declare that Defendant, Gail Simmons, is indebted to HMGP in the amount of \$50,000.00 because of her failure to mitigate her home according to her agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;
- c. That Defendant, Gail Simmons, be ordered to return the \$50,000.00 HMGP grant to HMGP, in full;
- d. That there be judgment rendered herein in favor of HMGP and against Defendant, Gail Simmons, in the full sum of \$50,000.00;

- e. That Defendant, Gail Simmons , be assessed all costs and fees associated with this matter; and
- f. That the Court grant such other relief as is just and proper.

Respectfully submitted:

**FOR HMGP:**



La Koshia R. Roberts

Bar Roll No. 26715

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its Division of Administration  
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**PUBLIC ENTITY/FEE EXEMPT  
(La.R.S. 13:4521 and 13:5112)**

**PLEASE SERVE:**

**GAIL SIMMONS  
2573 EASTVIEW DRIVE  
HARVEY, LOUISIANA 70058**

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2015 AUG 20 AM 8:53  
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VERIFICATION

CONSIDERING THE FOREGOING PETITION FOR RECOVERY OF HAZARD  
MITIGATION GRANT PROGRAM FUNDS:

I, CRAIG P. TAFFARO, JR., Director of the State of Louisiana's Hazard Mitigation Grant  
Program, declare under penalty of perjury that the representations made in the foregoing Petition  
are true and correct to the best of my knowledge, belief and understanding.

THUS DONE ON THIS 18<sup>th</sup> DAY OF August 2015 IN NEW ORLEANS,  
LOUISIANA.

CPT  
Craig P. Taffaro, Jr.

La Koshia Reconda Roberts

La Koshia Reconda Roberts  
Notary Public  
Bar Roll No. 26715  
My Commission expires at death.